

**OPENING STATEMENT OF REP. EDWARD J. MARKEY (D-MA)
ENERGY AND POWER SUBCOMMITTEE MARKUP OF H.R. 623
WEDNESDAY, APRIL 12, 2000**

Thank you, Mr. Chairman.

Ever since H.R. 623 was dropped into the hopper, there has been a debate swirling and swirling around the Congress on whether or not to flush away all of the federal water conservation standards for toilets and showers. Some argue that nothing could be more stupid than for the federal government to mandate in the law that new toilets can only use 1.6 gallons of water per flush. Proponents of this point of view suggest that America would be better off if these rules were simply plunged down the drain, because they were clogging up our regulatory structure with a cesspool of unnecessary and burdensome federal mandates.

I, for one would suggest that there is in fact one thing more asinine than federal regulation of plumbing supplies, and that's 50 different state standards. And that's precisely what we will be looking at if we eliminate federal plumbing efficiency standards, and the accompanying state pre-emption. For how can we credibly tell States with major water problems, such as California, Arizona, Nevada, or Texas that their state legislatures can't issue their own rules limiting water consumption if there is no federal standard? H.R. 623 allows them to do this, so if this bill is enacted, manufacturers soon will have to start making a California toilet, a Michigan toilet, and a New Jersey toilet. And since we all know that everything's bigger in Texas, there will no doubt have to be a Texas-sized toilet. Such an outcome could have a severe constipating effect on interstate commerce. In fact, it would really stink things up. Indeed, if the States were to get a case of the regulatory runs, there could well be an extended Maalox moment in the plumbing supplies marketplace.

So, before we apply H.R. 623's dose of regulatory Kaopectate to the Energy Policy and Conservation Act, I would suggest that we carefully think through the consequences. Water conservation, and the promotion of water use efficiency, is important to the nation. In recent years, we have faced droughts on the East Coast and in the Midwest, and dwindling water resources pose a threat to growth in many of the drier regions of the West. Is now really the time to be eliminating federal water conservation measures that save an estimated 600 million gallons of water each day? I don't think so. In a do-nothing Congress, this is one bad idea that should never have been allowed to float up to the surface. I urge defeat of the bill.